

One-hundred forty-fourth meeting  
Water and Wastewater Advisory Council  
June 14, 2007  
Helena, Montana

- CALL TO ORDER**      The one-hundred forty-fourth meeting of the Water and Wastewater Operator's Advisory Council was called to order at 9:10 a.m. by Joanne "Joni" Hall Emrick, Kalispell, Council Chairperson. Other Council members present included: Tony Porrazzo, Roger Skogen, Grant Burroughs, and Donald Coffman. Council members Carol Reifschneider, Ph.D., MSU-Northern, and Jon Dilliard, DEQ Public Water and Subdivision Bureau Chief, were not present.
- Department personnel attending all or portions of the meeting were Eric Urban, Interim Operator Certification Program Manager, Reta Therriault, Operator Certification Technician, Lizbeth Geary, Operator Certification Technician, and Jenny Chambers, Operator Certification Program Manager, who is currently on another assignment.
- MINUTES APPROVED**      The minutes from the previously-held meeting on October 5, 2006 were unanimously approved, following a motion by Tony Porrazzo and seconded by Roger Skogen.
- ADVISORY COUNCIL UPDATE**      Donald Coffman updated the Advisory Council Members List with his e-mail address, which is [gjou2@mtintouch.net](mailto:gjou2@mtintouch.net). Reta Therriault informed the Council that the changes from the last meeting in Bozeman had been made.
- STAFF UPDATE**      Eric Urban welcomed council member Donald Coffman, then introduced himself as the Interim Operator Certification Program Manager. He also introduced Lizbeth Geary as the new Operator Certification Technician who filled Reta Therriault's position. Reta took over Ashley Eichhorn's position after she resigned from the Water and Wastewater Operator Certification Program in 2006.
- WATER AND OFFICE EXAMS REPORT**      Tony Porrazzo asked how the exam pass rate statistics were compared to 3 years ago. Reta Therriault responded that it seemed to be in the same range. Joni Emrick reminded the council that soon after the exam changes were made, the pass rate went down. Council members brought up that some exam questions are ambiguous. Eric Urban reported that he learned that the Association of Boards of Certification (ABC) placed distraction questions on the exams on purpose.

Lizbeth Geary provided the Council with statistic recaps of the exam results from Fall Water School 2006 to date. She reported that 176 exams had been administered at Water Schools, and 62 exams had been administered In-Office. It was noted that the overall pass rate at Water Schools was 66%, whereas the same rate dropped 3% for In-Office exams. Liz pointed out that it was likely that this drop was caused by operators who had a significant exam fail history.

Donald Coffman inquired about the exam's math section. Eric stated that it was a compilation of well-picked exams. Roger Skogen recalled that some operators take exams without studying in order to prepare for taking it in the future. Reta brought up the fact that bigger systems push for operators to take exams with little time to prepare or without even getting the study materials.

#### COMPLIANCE STATUS AND ACTIVITY REPORT

Lizbeth Geary conveyed that water haulers and water bottlers had been requesting exams specifically targeted to their profession. Eric Urban stated that it was better that they be overprotected. The council members agreed with this statement.

Liz continued to report that since the last Advisory Council meeting, 12 Warning Letters and 14 Violation Letter had been mailed out. However, no systems had been sent to Enforcement. She noted that systems had been cooperating and had been willing to come into compliance, including the water haulers and water bottlers. Liz also stated that, in the month of May, 31 systems had come up in the Compliance Report. Of these 12 were Community systems, 9 were Non-Transient, Non-Community systems, and 10 were Wastewater systems. Only 2 Violation Letters were mailed out in May 2007.

#### CEC MEMBERSHIP UPDATE

Eric Urban informed the Council that there were 2 applicants qualified for the Continuing Education Credit Review Committee (CECRC). He did not see any reason not to accept them; however, he was waiting for a vote. Eric did not recall their names.

#### RENEWAL UPDATE

Reta Therriault gave a status report on the renewal process. 1,579 Renewal Notices were mailed out on April 11 and April 14 of 2007. As of June 12, 1,074 operators had paid their water renewals, bringing in \$32,220, and 571 operators had paid for their wastewater renewals, bringing in \$22,840.

The total for the renewals was \$55,060.

Reta stated she is filling in Ashley Eichhorn's position as it comes and hopes to get better at it. Reta will have an updated number by the next meeting.

ABC EXAM  
PROCTOR  
AGREEMENT  
UPDATE

Reta Therriault informed the Council that she had received signed ABC Exam Proctor Agreements from Advisory Council members Donald Coffman, Joni Emrick, and Roger Skogen; from Billings & Kalispell DEQ Office employees; and from Operator Certification personnel Lizbeth Geary and herself, and she was still waiting for forms signed by Tony Porrazzo, Grant Burroughs, Carol Reifschneider, and Jon Dilliard. Reta reminded the Council that these forms were in the last meeting's packets and that she had also sent them out via e-mail. At this time, Tony and Grant requested new forms, signed them and turned them in.

REIMBURSEMENT  
GRANT UPGRADE

Eric Urban stated that Channah Wells, Financial Specialist, had been delegated this task while Jenny Chambers was on assignment. Eric provided the Council with a report Channah put together as of June 14, 2007. It was noted that compared to the last Fiscal Year, we were ahead in reimbursements at \$36,311.37, and that we still had sufficient funds left. Operator Training, Renewal, and Meals/Lodging reimbursements were up from last year while Application & Exam Fees, Pre-Exam Training, and Mileage reimbursements were down. Eric also stated that we would probably push over \$40,000 this year by the number of renewal forms turned in and that he hoped we would be able to renew this grant after 2010. He also stated the need to look for Wastewater System Grants.

Joni Emrick pointed out how low in reimbursements the Exam Preparation category was at \$1,125 compared to \$2,793.21 from the previous fiscal year. Lizbeth Geary responded stating that perhaps the reason was that it was not well-advertised. Eric stated that *E-train* had a contract until December of this year to have a product out and was supposed to submit a product from WA anytime for conversion and targeting of MT needs. They would provide more CECs and exam preparations. Roger Skogen asked how much money was left in Operator Certification; Eric did not disclose an amount but stated it was significant.

Reta Therriault inquired about contracting with MSU

Northern to upgrade and update training materials. Eric said he had not heard anything back yet and that we were still looking to fund Gary Hall's position at METC for this purpose and to cut-off the middle man.

#### LEGISLATIVE UPDATE

Eric Urban informed the Council that House Bill #401, in which we requested funds to certify wastewater collection operator in addition to wastewater treatment, did not go through. He stated that we will bring it back at the next session. Tony Porrazzo seconded that decision. Roger Skogen asked if each council member could contact their senator about this bill to help it go through. It was stated it would not hurt. Eric shared that we received funds for industrial water certification and that we have about \$30,000 to develop the testing for it. Reta thought it would be beneficial if we could get together to come up with and look at different levels of exams for Mines and Refineries. Tony suggested ABC should have that testing. Lizbeth Geary reminded the Council that the wastewater exams were up for review. Reta noted that DEQ cannot enforce licensing if we do not offer an exam for it. Eric wrapped up the report by stating that DEQ as a whole came out alright at the legislative session.

#### FACILITY LIMIT FOR CONTRACT OPERATORS

Lizbeth Geary stated that Jenny Chambers had requested to bring two older issues up to the Council for rule making—the limitation of facilities for contract operators and the limitation of the number of exams an operator can take in a year.

Among the concerns for not having a facility limit for contract operators were the ARM 17.40.208 definition of “responding in a timely manner” when in an emergency situation and the quality of time an operator would spend per system, with some operators, like Ken Crisp, contracting with as many as 46 systems.

Eric Urban presented the Council with results from a survey he conducted in other states. Roger Skogen was in favor of the state of Massachusetts' log book requirement. His concern was whether an operator had non-certified “operators in training” assistants taking samples. Reta Therriault recalled an operator of Lincoln, MT running Bozeman systems and agreed on the need to define *timely manner*. After some discussion on city limit definition and remote system locations, Roger proposed taking suggestions

from the survey for voting at the next advisory council. The Council agreed. Eric asked everyone to keep in touch through phone and e-mail should new suggestions come up.

## EXAM LIMIT

Lizbeth Geary proceeded to elaborate on the issue of the number of exams an operator can take. An operator of Helena served as an example, after finally scoring a passing grade on his 9<sup>th</sup> attempt. He had also been discussing the exam questions with co-workers. Soon Jenny Chambers received a call from his supervisor challenging a question and requesting the correct answer in writing. This raised several concerns such as allowing operators to test-drive an exam and openly discuss exam questions at work, damaging the veracity of the exams. Also, operators with a deadline might take several exams just in case, possibly passing the exam several times and this would open up other issues.

Eric Urban reported that he had also done a survey on this and found that no state had a limit but rather had a waiting period. He also stated that other states charged additional fees for repeating exams. He said that in other instances, after failing a set number of attempts, an operator had to serve time preparing for the next exam. Eric was in favor of this idea because he did not want to be negatively focused on failure. The Council's concern was that some operators use the first test as training material. Reta Therriault brought up that MT used to have 2 scheduled exams a year and only lower class exams available by appointment, but Joni pointed out that it might be discriminatory.

At this time, Jenny Chambers, Operator Certification Program Manager currently on another assignment, made an appearance and stated that, in the case of the Helena operator, we had nothing in the rules that kept him from retaking the exam without having the results in from the previous exam. She also stated that we did not have exam preparation sessions requirements. She suggested that we could make special accommodations for operators like him.

Tony Porrazzo was in favor of the state of New Mexico's rule—the exams are offered on opposite ends of the state, encouraging people to prepare well beforehand. Roger Skogen preferred the state of Michigan's method—after failing 3 times or scoring below 40%, an operator has to develop and present a plan to succeed. Eric would like a waiting period put into effect. Jenny argued that it would

work for larger systems that have plenty of nearby operators; smaller systems, however, could not afford to do that.

The Council questioned whether this was an overwhelming problem in need of an immediate solution. Liz stated how preventive planning could avoid more escalated problems in the future. Jenny was concerned on how this issue affects the integrity of the exam. The Council then agreed that a rule needed to be made concerning this.

After some more discussion and other suggestions, such as setting a number of exams to be taken per year, Eric proposed to come up with suggestions for voting on at the next meeting. The Council agreed.

#### OTHER ISSUES

Eric Urban reminded the Council that the program offers special needs accommodations when taking exams after a request came from an operator who wanted to have an exam read. He stated that this accommodation will be made upon a physician or doctor's note and that we might consider compelling reasons for operators who do not have a doctor's note.

Eric also informed the Council that two individuals from Malmstrom had validly challenged a question from the 2A exams. He pointed out that the question had no right answer. Eric had ABC flag the question as a potential problem, then had the question replaced. The two operators were graded at 99% and both receiving a passing grade.

Reta Therriault reported a follow-up on an issue Tony Porrazzo brought up at the last meeting—the formula sheets have been corrected and updated.

Eric proposed the idea of a teleconference follow-up on the two pending issues. It was decided it was a good idea. Lizbeth Geary suggested setting a date for such meeting, and it was decided it would be held on October 4<sup>th</sup> at 10 a.m.

#### DATE OF NEXT MEETING

The date of the next meeting will be November 1, 2007 in Helena.

#### ADJOURN MEETING

Joni called for a motion to adjourn. Roger made a motion. Tony seconded it; the motion was unanimous, and the meeting was adjourned.